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New law enhances legal penalties for defendants who violate pre-trial restrictions

Wilmington, DE – Today, the Delaware Attorney General’s office announced that defendants being detained prior to trial are now subject to the same legal penalties for violating no contact orders and other pre-trial conditions as those who are released on bail pending trial. This loophole in State law was closed through legislation drafted by the Delaware Department of Justice and signed into law last week by Governor Markell.

“This new law provides greater protection to victims of crime,” said State Prosecutor Richard Andrews. “Closing this loophole assures that all defendants who violate pre-trial conditions are held accountable to the fullest extent of the law.”

Recently, a Delaware court ruled that defendants under certain court-ordered restrictions before trial, such as “no contact” orders, but who remained in custody due to an inability to post bail or were denied bail were not subject to felony charges stemming from the violation of those orders. House Bill 181 applies the same guidelines for breach of conditions of release to all defendants awaiting trial, regardless of whether they are released on bail or in custody pending trial.

This legislation was sponsored by Representative Michael A. Barbieri, and co-sponsored by Representative Deborah Hudson and Senator Liane M. Sorenson.

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